

REMARKS

The Examiner is thanked for the due consideration given the application.

Claims 33-43 and 45-55 are pending in the application. By this amendment, claims 19-23, 26-31 and 44 have been canceled without prejudice or disclaimer of any of the subject matter contained therein. Claims 33-43 have been amended to improve their language in a non-narrowing fashion. Claims 45-55 are new and generally set forth the subject matter of claims 33-43 without utilizing "means" language.

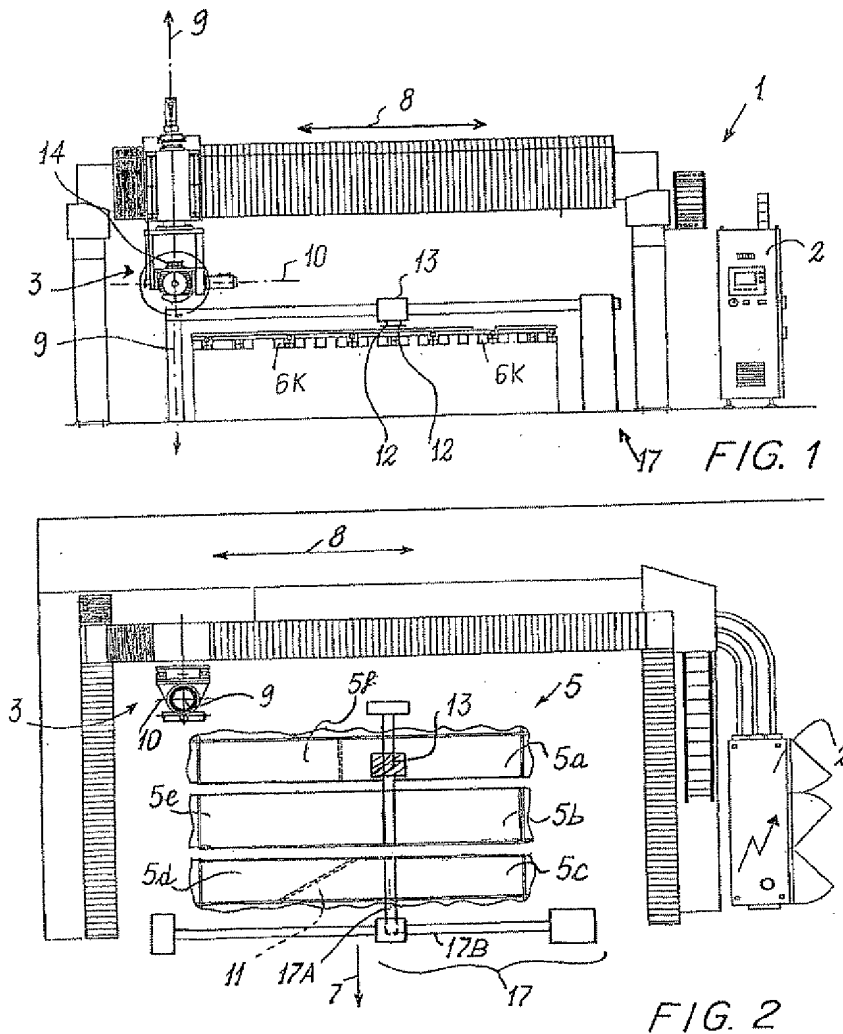
No new matter is believed to be added to the application by this amendment.

Rejections Based on BANDO

Claims 19-23, 26, 33-38 and 44 have been rejected under 335 USC §103(a) as being unpatentable over BANDO (U.S. Patent 5,221,034) in view of WARREN (U.S. Patent 4,777,787) and CHRISTIAN (FR 2706348). Claims 27-31, 39 and 40-43 have been rejected under 335 USC §103(a) as being unpatentable over BANDO in view of WARREN and CHRISTIAN, can further in view of CHASE (U.S. Patent 1,509,585). These rejections are respectfully traversed.

The present invention pertains to a circular blade device (1) for cutting flat marble, granite, glass, as is exemplarily

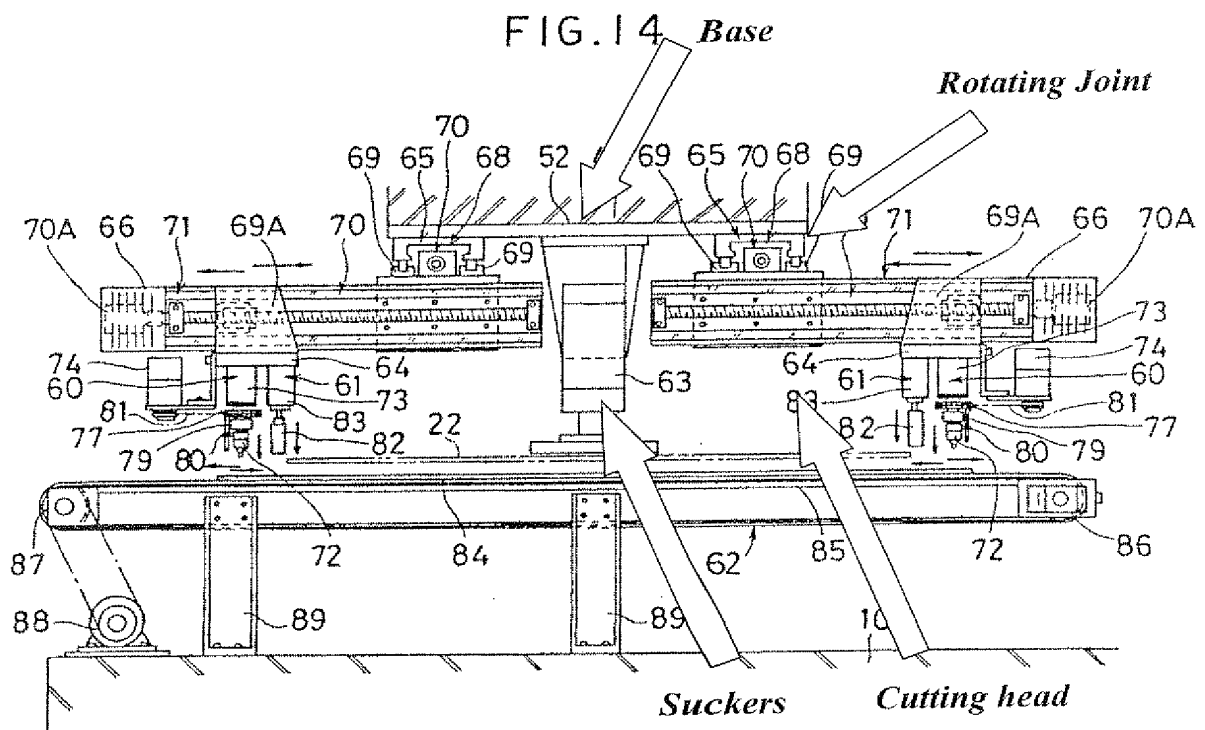
shown in Figures 1 and 2 of the application, which are reproduced below.



Figures 1 and 2 show the circular blade device (1) including a numerical control means (2) for a cutting head (3) having a blade (14) addressable within a cutting volume. A manipulating means includes at least one manipulator member (12) arranged to cooperate with the sheet being cut and employing suction to hold the sheet, and the numerical control means (2) are arranged to

move the cutting head (3) along a first, a second and a third axis (7, 8, 9) of translation perpendicular to one another and, moreover, are arranged to rotate the cutting head (3) about the third axis (9) to allow diagonal cuts to be made, the third axis being substantially vertical, and wherein the manipulating means is mounted on and movable with the cutting head. See independent claim 33.

BANDO pertains to a machine for working a glass plate. The Official Action refers to Figure 14 of BANDO, which is reproduced and annotated below.



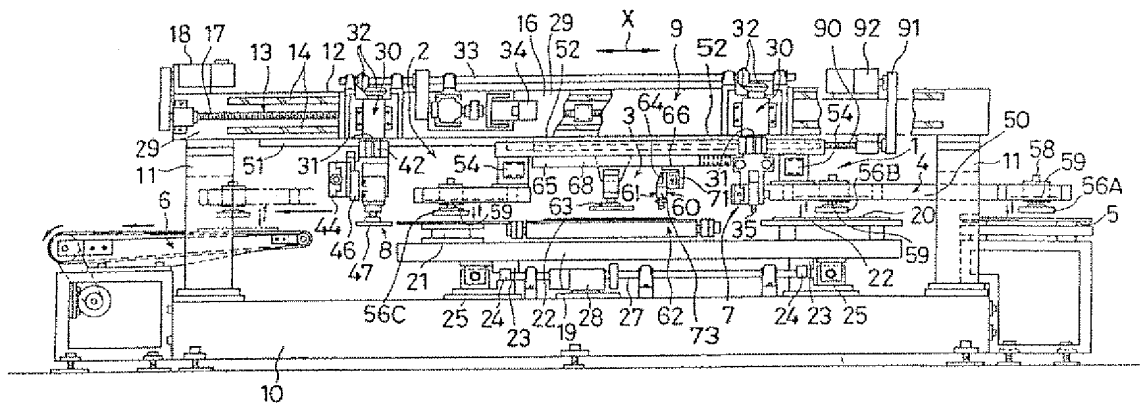
The Official Action acknowledges that BANDO fails to disclose rotating the cutting head about the third axis and

having the manipulator member being mounted on and movable with the cutting head. The Official Action then refers to WARREN.

However, even if (as suggested by the Official Action) the skilled man would modify the cutting head of BANDO as suggested by WARREN, the skilled person would apply a rotating joint between the base (52) and the drive means (65) (as shown above).

In fact, as the base (52) is movable via the feed screw 90 connected to a motor supported by the frame of the machine 92 (see BANDO, column. 6, lines 47-52 and Figure 1, reproduced below) to let the base 52 rotate about a vertical axis, the structure of the machine would be completely modified.

FIG.1



In contrast, if a rotatable joint between the base 52 and the drive means 65 is provided, the skilled man could adapt the machine of BANDO with small modifications.

Nevertheless, when modifying the machine by adding a rotatable joint between the base 52 and the drive means 65, the suckers 63 would not be mounted on and movable with the cutting head 60, as claimed in independent claim 33 (see annotated Figure 14 above).

That is, according to claim 33 the cutting head is rotatable and at the same time it has the suckers aboard. These features let:

- different cuts be made and, in particular, also diagonal cuts, and at the same time, and
- the suckers be positioned close to the slabs being cut, with no need of movements and regulations after cutting to bring the suckers onto the slabs being cut.

In addition, the skilled man would not have considered WARREN as a pertinent document, because in WARREN the blade rotates continuously to cut trees (i.e., it is the working movement), whereas in the present invention the rotation of the cutting head is a discontinuous positioning movement (i.e., it is not the working movement).

WARREN is thus non-analogous art to the present invention.

CHRISTIAN and CHASE fail to address the deficiencies of BANDO and WARREN discussed above.

For example, CHRISTIAN shows a cutting head 75 carrying the blade 74 and a further head 54 carrying the suction means. These heads are connected with each other by the cylinder 70.

On the contrary, claim 33 of the present invention sets forth that the device is provided with one single head having both the blade and the suction means for making the removal of the cut pieces easier and faster.

CHRISTIAN may not properly be combined with WARREN because WARREN refers to a tree shaping apparatus (see the title), whereas CHRISTIAN refers to a machine for sawing blocks of stone or marble or granite.

CHRISTIAN is thus non-analogous art to the present invention.

One of ordinary skill and creativity would thus fail to produce a claimed embodiment of the present invention from a knowledge of BANDO and any combination of the secondary references. A *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome and withdrawal thereof is respectfully requested.

#### **Conclusion**

The rejections are believed to have been overcome, obviated or rendered moot and no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment

to Deposit Account No. 25-0120 for any additional fees required  
under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in dark ink, appearing to read "Robert E. Goozner", with a long horizontal flourish extending to the right.

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